

2012

Warrant

&

Budget

TOWN OF MOULTONBOROUGH

STATE OF NEW HAMPSHIRE

TOWN WARRANT FOR 2012

To the inhabitants of the Town of Moultonborough in the County of Carroll, in said State, qualified to vote in Town Affairs:

You are hereby notified to meet at the Moultonborough Public Safety Building, 1035 Whittier Highway, in said Moultonborough, on Tuesday the 13th day of March, 2012, at 7:00 A.M., to act upon Articles 1 through 9 of the Warrant. The polls will close no earlier than 7:00 P.M.

The Voters will take up Article 10 and the remaining Articles of the Warrant on Saturday, March 17, 2012, at 9:00 A.M., (School District will meet first, with a twenty minute adjournment before Town Meeting) at the Auditorium, Moultonborough Academy.

ARTICLE 1

To choose by ballot and majority vote: Two (2) Selectman for three (3) years, One (1) Treasurer for three (3) years, One (1) Moderator for two (2) years, One (1) Road Agent for three (3) years, One (1) Supervisor of the Checklist for six (6) years, One (1) Trustee of Trust Funds for three (3) years, Two (2) Library Trustees for three (3) Years, Two (2) Planning Board Members for three (3) years, One (1) Zoning Board Member for one (1) Year.

ARTICLE 2

Shall a charter commission be established for the purpose of establishing a new municipal charter?

(Recommended by Selectmen 4-1)

ARTICLE 3

Are you in favor of Amendment 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article V, Signs, in its entirety to reformat and rearrange logically for readability with no new wording or intent.

(Recommended by Planning Board 5-0)

ARTICLE 4

Are you in favor of Amendment 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article V, Signs, by replacing the first paragraph with a new Section, entitled, "Purpose and Intent" that clarifies the reasons for and functions of the sign regulations.

(Recommended by Planning Board 6-0)

ARTICLE 5

Are you in favor of Amendment 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend the Zoning Ordinance to create a new Article XV, Definitions, consolidating existing terms currently used throughout the entire document into one place for ease of use, and adding guidance for interpretation of terms.

(Recommended by Planning Board 5-0)

ARTICLE 6

Are you in favor of Amendment 4 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article XV, Definitions (if so created by Article 3 above) by adding a new section, entitled, General Definitions that would add generally accepted zoning and land use terms to the zoning text for clarity of interpretation.

(Recommended by Planning Board 5-0)

ARTICLE 7

Are you in favor of Amendment 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article VI (F)(2) to add language to the existing table that defines a 50 ft. setback for front, side and rear for commercial structures in the Residential/Agriculture zoning district, and in (F)(2)a, to add a new Conditional Use Permit that would allow reduction of the required 25 ft. vegetative buffer between the building and roadway within the front setback for sufficient cause. Finally, in (F)(3), to add back the Residential/Agriculture zone to the 50% lot coverage maximum requirement as it had been prior to the change approved during the 2011 Town Meeting. This amendment corrects an oversight that allows commercial use lot coverage with no upper limit and no setback requirement in the Residential/Agriculture zone.

(Recommended by Planning Board 5-0)

ARTICLE 8

Are you in favor of Amendment 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article VIII, Flood Plain Development, by adding language needed for compliance with the National Flood Insurance Program (NFIP) regulations as recommended by a compliance review by the Agency. This action is required from time to time to ensure the Town remains enrolled in the program.

(Recommended by Planning Board 5-0)

ARTICLE 9

Are you in favor of a citizen's petition to amend the Town Zoning Ordinance to Repeal Articles VI A(3), VI D, VI E (solely as it applies to commercial development in Residential/Agricultural Zones) and those portions of Article VII relating to Special Exceptions (solely as it applies to commercial development in Residential/Agricultural Zones) for commercial uses in the Residential/Agricultural Zone and to eliminate Special Exceptions for commercial uses in the Residential/Agricultural Zone and delete all references thereto wherever they may appear in the Zoning Ordinance, effective March 18, 2012.

(By Petition)

(Not Recommended by Planning Board 6-0)

ARTICLE 10

To see if the Town will vote to approve the cost items included in the collective bargaining agreement (CBA) reached between the Town and the Moultonborough Police Benevolent Association and further to raise and appropriate the sum of Nineteen Thousand Seven Hundred and Twenty dollars (\$19,720) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those that would be paid at current staffing levels in accordance with the most recent Town compensation plan.

| <u>Year</u> | <u>Estimated Increase</u> |
|-------------|---------------------------|
| FY 2012 | \$19,720 |
| FY 2013 | \$ nil (1) |
| FY 2014 | \$ nil (1) |

- (1) The contract does not obligate the Town to pay a COLA in years 2 and 3 unless one is granted to all other Town employees. Should a COLA be granted; each .5% would cost approximately \$4,600 per fiscal year for those covered by this CBA.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 4-0)

ARTICLE 11

To see if the Town, in the event that Article 10 is defeated, will authorize the governing body to call one special meeting, at its option, to address Article 10 cost items only?

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 4-0)

ARTICLE 12

To see if the Town will vote to clarify the purposes of the so-called Historical Society Fund, a revocable trust fund, created under Article 45 of the Town Meeting of 1994, to rename it the "Historic Building Fund" with the maintenance of the Old Town House and Middle Neck School continuing as its purpose and the Board of Selectmen continuing as agents to expend.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 13

To see if the Town will vote to amend its action under Article 34 of the Town Meeting of 1987 meeting by which it created the so-called Highway Equipment Fund, a Capital Reserve Fund, by striking the phrase "...Highway Equipment..." and inserting in lieu thereof the phrase "...Public Works Equipment..." and to further strike the phrase "...for the purchase of highway equipment..." and inserting in lieu thereof the phrase "...for the purchase of public works equipment...".

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

(Note: Requires a 2/3 votes which must be noted in the minutes)

ARTICLE 14

To see if the Town will vote to discontinue the so-called Resource Recovery Park/ Waste Management Facility fund with the balance of Twenty Three Thousand Seven Hundred Seventy One Dollars and Eight Cents (\$23,771.08) as of December 31, 2011 with said remaining funds, together with any interest accumulated thereon at the time of transfer, being transferred to the general fund and further to raise and appropriate the sum of Twenty Three Thousand Seven Hundred Seventy One Dollars and Eight Cents (\$23,771.08) to the renamed and repurposed Public Works Equipment Fund*, a Capital Reserve Fund.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

[*Note: Formerly known as the Highway Equipment Fund]

ARTICLE 15

To see if the Town will vote to amend its action under Article 50 of the Town Meeting of 1994 to read as follows: "To establish a Recreation Revolving Fund pursuant to RSA 35-B:2 II to receive all fees and charges imposed for the use of recreation and park services and facilities. Said funds shall be allowed to accumulate from year to year, and shall not be considered to be part of the general fund unreserved fund balance. The treasurer shall have custody of all monies in the fund, which may be expended only for recreation purposes as stated in RSA 35-B, and shall pay out the same only upon order of the recreation director, without further legislative body approval required, in accordance with policy to be established by the Board of Selectmen."

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 16

To see if the Town will vote to raise and appropriate the sum of Seven Hundred and Fifty Thousand dollars (\$750,000) for a road improvement program as generally illustrated below, and to meet said appropriation with anticipated funds from a NH Department of Transportation Highway Block Grant of One Hundred and Fifty Thousand dollars (\$150,000) and the balance from taxation.

| Project | Budget |
|--|------------------|
| Ossipee Mountain Road (Drainage; Shim & Overlay 4,250' +/-) | 100,000 |
| Sheridan Road (Reconstruct 1,400' +/- & Reclaim & Pave 4,125' +/-) | 425,000 |
| Lake Shore Drive (East) (Drainage; & Reclaim & Pave 2,560' +/-) | 103,000 |
| Highway Garage Road (Reconstruct 500' +/-) | 35,000 |
| Chip Sealing | 22,000 |
| Engineering & Construction Inspection | 65,000 |
| TOTALS | \$750,000 |

Note: Inclusion of any road on this list was based upon a condition assessment and budget estimate prepared in November of 2011. It is no guarantee of work being undertaken on the identified roadway. Final construction decisions are made upon detailed engineering and actual bids received with work deletions or additions based upon the final bids.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 17

To see if the Town will vote to raise and appropriate the sum of Two Hundred Eighty Five Thousand dollars (\$285,000) for a program of capital improvements and expenditures, and equipment as generally illustrated below, and to meet said appropriation by a withdrawal of Thirty Five Thousand dollars (\$35,000) from the Public Works Equipment Capital Reserve Fund, formerly known as the Highway Equipment Fund, Fifty Thousand dollars (\$50,000) from the Fire Department Equipment Fund, Twenty Five Thousand dollars, (\$25,000) from the Municipal Building Fund, and the balance of One Hundred Seventy Five Thousand dollars (\$175,000) from taxation.

| | | | |
|--------------|--|-----------|----------------|
| a. | DPW/Highway Dept. (One Ton w/Plow/Sander) | \$ | 45,000 |
| b. | DPW/Buildings & Grounds (Flooring replacement) | \$ | 25,000 |
| c. | Police Department (Cruiser) | \$ | 35,000 |
| d. | Fire Dept. (Turn-Out Gear) | \$ | 15,000 |
| e. | Fire Dept. (Chassis Repair – Engine 3) | \$ | 50,000 |
| f. | Fire Dept. (Refit DPW Pickup > Utility 1) | \$ | 15,000 |
| g. | Administration (Software Update) | \$ | 100,000 |
| Total | | \$ | 285,000 |

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 18

To see if the Town will vote to raise and appropriate the sum of Three Hundred Forty Two Thousand Six Hundred Fifty dollars (\$342,650) and to deposit the same in the following Capital Reserve Accounts.

| | | |
|---|-----------|----------------|
| Personnel Liability CRF | \$ | 14,500 |
| Community Substance Abuse CRF | \$ | 10,150 |
| Communication Technology CRF | \$ | 22,500 |
| Reappraisal CRF | \$ | 24,000 |
| Firefighting Equipment CRF | \$ | 109,000 |
| Police Communications CRF | \$ | 2,500 |
| Department of Public Works Equipment CRF* | \$ | 160,000 |
| Total | \$ | 342,650 |

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

[*Note: Formerly known as the Highway Equipment Fund]

ARTICLE 19

To see if the Town will vote to raise and appropriate the sum of Two Hundred Forty Eight Thousand dollars (\$248,000) and to deposit the same in the following Expendable Maintenance Trust Fund Accounts:

| | | |
|---------------------|-----------|----------------|
| Milfoil | \$ | 195,000 |
| Historic Buildings* | \$ | 12,500 |
| Municipal Buildings | \$ | 35,000 |
| Lee's Mills | \$ | 3,000 |
| Dry Hydrant | \$ | 2,500 |
| Total | \$ | 248,000 |

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

[*Note: Formerly known as the Historical Society Fund]

ARTICLE 20

To see if the Town will vote to raise and appropriate the sum of Five Thousand dollars (\$5,000) to be expended by the SelectBoard on the continued operation of the Red Hill Fire Tower with such entity as shall, in their best judgment, undertake a cooperative regional staffing effort of said Tower on behalf of the area fire departments.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 21

To see if the town will vote to discontinue completely, pursuant to RSA 231:43, the portion of unused right of way of Old Route 109 located at the southwest corner of the intersection of said old route with the current NH Route 109 abutting land now or formerly of Rock Pile Real Estate LLC, with said parcel containing approximately 1,638 square feet, beginning at an iron pipe on the southerly side of Old Route 109 and at the northwesterly corner of the herein described parcel; thence turning N 78° 43' 28" E and running along the new right of way line for the Old Route 109 a distance of 97.15' to a monument; thence turning S 28° 01' 19" E and running along the new right of way line for the New Route 109 a distance of 51.24' to a monument; thence turning and running along the Old Route 109 Right of Way along a curve turning to the left with a radius of 209.44' and a length of 124.00' to the point of beginning, all as shown on a plan entitled "Old Route 109 Right of Way Easement Release From Town of Moultonborough (Old Route 109 Right of Way) to Rock Pile Real Estate, LLC (Tax Map 44 Lot 13), Intersection of Old Route 109 and NH Route 109, Moultonborough, Carroll County, NH" dated November 30, 2011. Said right of way contains no utilities. No owner of land shall be deprived of access over such unused right of way portion. And further to authorize the SelectBoard to negotiate, execute, deliver and accept such release(s) and other documents, upon such terms and conditions as it deems reasonable, appropriate and in the best interests of the Town, including receiving a settlement value of One Thousand Six Hundred and Fifty Dollars and No Cents (\$1,650.00), as it deems necessary to effectuate the purposes of this article.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

[Note: A copy of the plan map is on file in the Offices of the Selectmen]

ARTICLE 22

To see if the Town will vote to amend its action under Article 16 of the Town Meeting of 2009 to (a) designate the appropriation as non-lapsing to December 30, 2013, or whenever the project is certified as completed by the Board of Selectmen whichever shall first occur, in lieu of the current non-lapsing date of December 30, 2012; (b) raise and appropriate the sum of One Hundred Ninety Nine Thousand and Five Hundred Dollars and No Cents (\$199,500.00) with said appropriation to be met by a withdrawal from the Municipal Building Capital Reserve Fund, and (c) restrict any further expenditures of funds under paragraph a. of said Article 16, as amended, to the Playground Drive Field.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

[Note: It is the intent of this Article to provide sufficient monies to undertake the rehabilitation of the Playground Drive soccer field and to prohibit the expenditure of any monies remaining in the original article - or new monies appropriated under this Article - on the proposed new soccer field at the Old Route 109 Community/Senior Center.]

ARTICLE 23

To see if the Town will vote to accept the report of the Board of Selectmen and Advisory Budget Committee regarding the Optional Fiscal year running July 1 to June 30 and act to adopt an optional fiscal year budget through the provisions of RSA 31:94-a, July through June commencing with the July 1, 2013 – June 30, 2014 budget year.

(Recommended by Selectmen 4-1)

(Recommended by Advisory Budget Committee 4-1)

[Note: If this Article is adopted, the March 2013 Town Meeting will be presented with an 18 month budget for the period of January 1, 2013 to June 31, 2014. Budgets thereafter will commence on July 1 of a given year and end on June 30 of the following year.]

ARTICLE 24

To see if the Town will vote to adopt a May Town Meeting through the provisions of RSA 39:1-a for the selection of town officers and the transaction of all other town business, dependent upon Article 23 having first been voted in the affirmative, commencing with the 2014 Town Meeting.

(Recommended by Selectmen 3-2)

(Recommended by Advisory Budget Committee 4-1)

ARTICLE 25

To see if the Town will vote to raise and appropriate, subject to any and all changes made at this meeting, the sum of Seven Million Nine Hundred Forty Two Thousand and Thirty Six Dollars (\$7,942,036) to pay the expenses of General Government, Public Safety, Public Works (including Highways, Cemeteries, Buildings and Grounds, and Transfer Station), Human Services, Visiting Nurse Service, Culture and Recreation, and Development Services.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 26

To see if the Town will vote to raise and appropriate the sum of Four Hundred Fifty Four Thousand and Four Hundred Eighty Four dollars (\$454,484) to pay the expense of operating the Public Library.

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 27

To see if the Town will vote to raise and appropriate the sum of Seven Thousand Five Hundred (\$7,500) for Tri-County Community Action for the purpose of continuing services of the Fuel Assistance Program for the residents of Moultonborough.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 28

To see if the Town of Moultonborough will raise and appropriate the sum of Eight Hundred Thirty Dollars (\$830) for the annual support of services provided to the citizens of this community by the Central New Hampshire VNA & Hospice dba Visiting Nurse Association-Hospice of Southern Carroll County and Vicinity, Inc.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 29

To see if the Town of Moultonborough will vote to raise and appropriate One Thousand Dollars (\$1,000) to the Loon Preservation Committee to support the work of the local self funded Loon Center.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 30

To see if the Town of Moultonborough will vote to raise and appropriate the sum of Twelve Thousand Dollars (\$12,000) for the Moultonborough Suicide Prevention and Mental Health Coalition to support training for said committee of volunteers, supporting community forums and/or small support groups/training sessions conducted by the trained volunteers/professionals and provide suicide prevention, mental health information, and assist in the support of local access to mental health services within the Moultonborough community for its residents.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 31

To see if the Town of Moultonborough will vote to raise and appropriate the sum of One Thousand Two Hundred and Fifteen Dollars (\$1,215) in support of Starting Point providing advocacy and support to victims of domestic and sexual violence and their children.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 32

To see if the Town of Moultonborough will vote to raise and appropriate the sum of Eight Thousand Dollars (\$8,000) for the Winnepesaukee Wellness Center.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 33

To see if the Town of Moultonborough will vote to raise and appropriate the sum of Nine Thousand Dollars (\$9,000) to be allocated to the Moultonboro/Sandwich Senior Meals Program.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 34

To see if the Town of Moultonborough will vote to raise and appropriate the sum of Three Thousand Dollars (\$3,000) to establish a tuition assistance fund for Moultonborough Children of working families attending the Sandwich Children's Center.

(By Petition)

(Recommended by Selectmen 5-0)

(Recommended by Advisory Budget Committee 5-0)

ARTICLE 35

To see if the Town of Moultonborough will vote to enact the portion of the final report of the Blue Ribbon Commission on Community Services and Facilities to rehabilitate the Playground Drive soccer field as a multi use field as proposed in the 30% design presented to the Board of Selectmen on January 5th, 2012 and not consider constructing or allocating any funds for a new field until the Playground Drive soccer field is rehabilitated and fully utilized.

(By Petition)

(Recommended by Selectmen 4-0)

(Recommended by Advisory Budget Committee 3-1)

ARTICLE 36

To see if the Town of Moultonborough will vote to discontinue the Community/Senior Center Capital Reserve Fund which was established in 2008 as a mechanism for donations for a future community/senior center and to which no donations have ever been received. Said remaining funds, with accumulated interest to date of withdrawal, are to be transferred to the Town of Moultonborough's general fund per RSA 35:16A.

(By Petition)

(Recommended by Selectmen 0-4)

(Recommended by Advisory Budget Committee 1-3)

ARTICLE 37

To see if the Town will vote to raise and appropriate the sum of \$1,350 to maintain and continue the system of services of the Inter-Lakes Day Care Center.

(By Petition)

(Recommended by Selectmen 4-0)

(Recommended by Advisory Budget Committee 4-0)

ARTICLE 38

To transact any other business that may legally come before said Meeting.

Given under our hands and seal this 9th day of February, 2012

Joel R. Mudgett, Chairman
Edward J. Charest, Vice Chair
James F. Gray
Betsey L. Patten
Russell C. Wakefield
Selectmen of Moultonborough

A True Copy of Warrant Attest:

Joel R. Mudgett, Chairman
Edward J. Charest, Vice Chair
James F. Gray
Betsey L. Patten
Russell C. Wakefield
Selectmen of Moultonborough